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January 13, 2021

Via ECF

The Honorable Joseph F. Bianco
United States Court of Appeals for the Second Circuit
100 Federal Plaza
Central Islip, New York 11722

Re: United States of America v. Kenner, Cr. No. 13-607 (JFB)

Dear Judge Bianco:

On behalf of the Ad Hoc Group of Diamante Homeowners, I write to urge the Court to deny the January 12, 2021, request by Owen Nolan's counsel for an extension of time to file its brief requesting that a constructive trust be imposed giving the victims of Mr. Kenner's fraud precedence over Danske Bank's secured claim.

As the Court surely appreciates, the prospect of a settlement only surfaced when the legal issues surrounding the status of Danske Bank's claim were nearing a final resolution and after the government forced Danske Bank to devote extensive resources to defeat the government's arguments, arguments that the Court by and large rejected. Any further delay in the resolution of those issues will, in the end, hurt, not help a settlement, if one is to be achieved. In the meantime, delay in the resolution of this dispute only serves to hurt the interests of homeowners. The Court, therefore, should proceed to adjudicate the rights of Mr. Nolan and other victims, and resolve the remaining issues surrounding the extent of Danske Bank's secured claim. Clarity on

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those issues is the surest path to a settlement and, in the absence of a settlement, to resolution of a dispute that, despite the Court's efforts, has gone on far too long.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MW', followed by a period.

Marc Wolinsky